

**Representative Ron Bigelow** proposes to substitute the following bill:

**RETIREMENT OF PUBLIC SAFETY**

**OFFICIALS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ron Bigelow**

**This act modifies the Utah State Retirement Act by opening a conversion window for the Public Safety Noncontributory Retirement System. This act allows an appointed chief of police to retire within the Public Safety Retirement System and to continue in the office with a retirement exclusion. This act takes effect on July 1, 2001.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**49-4a-205**, as last amended by Chapter 268, Laws of Utah 1998

**49-4a-206**, as last amended by Chapter 305, Laws of Utah 1999

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **49-4a-205** is amended to read:

**49-4a-205. Conversion to system -- Time schedule.**

The following laws govern conversion to the Public Safety Noncontributory Retirement System:

(1) For persons governed by Subsection 49-4a-203(2), the election to participate in the noncontributory system shall be made within six months of the effective date of this chapter.

(2) (a) For political subdivisions governed by Subsection 49-4a-203(3), the election to participate as a local government unit shall be made within six months of the effective date of this chapter. The political subdivision shall indicate whether or not it elects to participate by enacting a resolution or ordinance to that effect. Prior to the enactment of the resolution or ordinance, a hearing shall be held by the political subdivision, at which all public safety employees of the

26 political subdivision shall be given an opportunity to be heard on the question of participating in  
27 this noncontributory retirement system. Notice of the hearing shall be mailed to all employees  
28 within 30 days of the hearing and shall contain the time, place, and purpose of the hearing.

29 (b) A person in full-time employment with a political subdivision prior to its election to  
30 participate has six months from the date the political subdivision elects to participate in which to  
31 elect to become a member of the noncontributory system.

32 (3) Subsections (1) and (2) shall be used to provide a time period of conversion to the  
33 Public Safety Noncontributory Retirement System beginning July 1, 1998, and ending December  
34 31, 1998. A person converting to the system during this time period shall be subject to all the  
35 rights, limitations, terms, and conditions of Title 49, Chapter 4a, Public Safety Noncontributory  
36 Retirement Act.

37 (4) Subsections (1) and (2) shall be used to provide a time period of conversion to the  
38 Public Safety Noncontributory Retirement System beginning July 1, 2001, and ending December  
39 31, 2001. A person converting to the system during this time period shall be subject to all the  
40 rights, limitations, terms, and conditions of Title 49, Chapter 4a, Public Safety Noncontributory  
41 Retirement Act.

42 Section 2. Section **49-4a-206** is amended to read:

43 **49-4a-206. Exclusion of certain employees from coverage -- Exception.**

44 (1) (a) A public employee serving as the commissioner of public safety, or as the elected  
45 or appointed sheriff or chief of police of a public safety organization, is excluded from coverage  
46 under this system if that public employee files a formal written request seeking exclusion from  
47 coverage.

48 (b) Except as provided in Subsection (1)(c), the public employee may not continue  
49 employment in the same covered employer unit and receive payment from the retirement office  
50 at the same time.

51 (c) An elected sheriff or an appointed chief of police who is eligible to retire under Section  
52 49-4a-401 may:

53 (i) retire from the system and receive a retirement payment;

54 (ii) continue in the elected or appointed office; and

55 (iii) file for the exclusion under Subsection (1)(a).

56 (2) Any member of the system or any newly hired employee who is eligible for coverage

57 and who is drawing a military pension may, by application to the retirement administrator, be  
58 exempted from participating in the system.

59 Section 3. **Effective date.**

60 This act takes effect on July 1, 2001.